



**PUBLIC SAFETY COMMISSION  
MINUTES**

**REGULAR MEETING  
Monday, February 4, 2019**

**The Public Safety Commission convened a meeting Monday, February 4, 2019 at City Hall in the Boards & Commission Room, 301 West 2<sup>nd</sup> Street, Austin Texas 78701.**

**Vice Chair, Brian Haley** called the Board Meeting to order at 4:00p.m. Vice Chair made a brief announcement referencing citizens signed up to speak on an agenda item; in an effort to manage the completion of all agenda items there would be a call for the citizens signed up to speak at the end of all presentations today. Citizens signed up to speak on a non-agenda item would be called during Citizens Communications.

**Board Members in Attendance:**

Brian Haley	Noel Landuyt
Kim Rossmo	Sam Holt
Ed Scruggs	Rebecca Gonzales
Rebecca Bernhardt	Daniela Nunez
Preston Tyree	

**Board Member Absent:**

Rebecca Webber (arrived after 5pm)

**Staff in Attendance:**

Troy Gay, Chief of Staff, Austin Police Department  
Richard Davis, Assistant Chief, Austin Fire Department  
Jasper Brown, Chief of Staff, Austin Travis County Emergency Services

**1. APPROVAL OF MINUTES - Commissioner Haley** called the meeting to order at 4:00pm and asked for approval of the January 7, 2019 minutes. Commissioner Holt motioned to approve the minutes and Commissioner Bernhardt second. A vote was called for and the minutes were approved unanimously.

**VOTE:**

**For: 9**

**Against: 0**

**Absent: 1**

## 2. CITIZEN COMMUNICATIONS –

- Carlos Leon – Continue to fight evil, filed grievance on Elizabeth Cary Grace, City of Austin Attorney; request charges be filed against George Uthe, State Bar of Texas
- Juliana Gonzales, Senior Director of Sexual Assaults at SAFE Alliance – presented monthly data for January 2019 on services provided by SAFE (stop abuse for everyone) to Austin/Travis County community. Juliana informed the board that SAFE is a participant in both organizations, SAART and ISAT.
- Genoveva (Geno) Rodriguez – Community Engagement Specialist for the OPO (Office of Police Oversight), shared the purpose, mission and vision for the OPO Community Engagement Unit, and offered to come and present to the PSC board in the future if more information on community engagement is requested. Contact information was shared with the board.

## 3. Austin Police Department response to January 11, 2019 DPS audit of APD sexual assault clearance rates for January, November and December 2017. Sponsored by Commissioners Bernhardt and Webber

Chief Manley presented the recent update/response to DPS (Department of Public Safety) Uniform Crime Reporting Audit Report 01-11-2019. APD's written response from APD dated February 4, 2019 was shared with the board members and Chief Manley elaborated on the responsive information.

- Chief Manley called for the third party audit of APD's sexual assault cases
- DPS Uniform Crime Reporting Audit found a third of rape cases wrongly exceptionally cleared by APD detectives over three months in 2017 (October, November, December 2017)
- 30 cases flagged out of 95 cases audited. APD was in agreement with 28 of those findings
- Table presented that summarizes the audit's finds of the remaining 65 offenses
  - o Hierarchy Rule
  - o Misclassification of Rape Offenses
  - o Use of Unfounded Clearance
  - o Use of Exceptional Clearance
  - o Timely Clearance

Chief Manley defined each category and explained APD's actions. The table included number of Offenses, Concur and Did Not Concur. Per Chief Manley, " we agree with the majority of their findings and he discusses the steps/action moving forward that APD has already taken to improve in areas documented in the audit.

- Training on UCR (Uniformed Crime Reporting) guidelines as opposed to Texas Penal Code

- Template added to APD's Investigative Management System that an investigator must answer all of the questions before closing a case. Making sure exceptional clearance close out meets all the requirements for that classification
- Understanding the differences between Texas penal code and national UCR
  - o Statutory rape versus rape
- Hiring of another supervisor for the Sex Crimes unit in anticipation of heavier work load as sex kits are being complete and returned
- APD to look at cases more holistically

The written response was made public today, February 4, 2019.

**4. Presentation from Travis County Justice Planning Department and Travis County Health & Human Services Department regarding services for sexual assault survivors** Sponsored by Commissioners Webber and Haley.

Commissioner Haley invited Roger Jeffries, Executive with the Travis County office to begin his presentation to the Public Safety Commissioners. Mr. Jefferies, shared he would be the only one presenting, due to Ms. Sherri Fleming not being able to attend tonight. County Judge, Sarah Eckhardt, directed him to come present the Travis County assets map of resources for victims of sexual assault and domestic violence in Travis County. A four page document was distributed to the board by Mr. Jeffries. The document included:

- List of Programs by Parent Agency
- Travis County Programs and other programs that serve victims of sexual assault and domestic violence
- Community Service Programs (most are nonprofits) A list of service programs categorized by State of Texas Programs, Local Programs, Community Service Programs were shared with the board. All programs listed included contact information, description of services provided and the targeted population (which was all victims). The list included some programs that were targeted for a particular population: children, low income immigrants and homeless immigrants were some of the targeted populations listed in the handout.

Commissioner Bernhardt asked, if he (Jeffries) knew how many of the organizations listed are members of the SAART? He responded he did not know how many organization on the Travis County list were members of SAART.

**5. Presentation from the Austin/Travis County Sexual Assault Response and Resource Team (SARRT)**

**Presenters from SARRT were:** Jenny Black, Forensic Nursing Director, SAFE - Elizabeth Donegan, Independent Consultant/Trainer & Sergeant (Retired APD) - Neva Fernandez, Advocacy Manager, Texas Legal Services Center - Ix Chel Morrison, Sexual Assault Advocacy Director, SAFE

Each presenter introduced herself and the presentation begin with a copy of the SARRT BYLAWS being distributed to each board member. The Mission of SARRT was discussed Neva Fernandez stated their work is not easy and we all make mistakes, however we just keep moving forward . The team presented:

- What is the Austin/Travis County SARRT?
- SARRT Structure and Process
- SARRT'S Mission in Action
- SARRT Tangibles
- Vision

The Power Point presentation provided an overview of where SARRT begin, accomplishments and challenges along the way and what the SARRT vision is moving forward.

Two questions were asked by **Commissioner Haley**:

What are some practices in other major cities that you would like to see done here in Austin?

**Elizabeth Donegan** responded: Would like to be able to offer one program called evidence collection exams for survivors of strangulation. This is a great program that I am aware of in Phoenix, Arizona and I would love to be able to have/practice that here in Austin.

How would you evaluate where we are right now as a community addressing this issue?

**Donegan**: "I think we are in some precarious times. I don't think we are the best that Austin can be in our response and prosecutions. We have people here who are willing to do the work, willing to carry the water that wanna do this work because it's the right thing to do; and victims of sexual assault deserve justice in this community. I think there is nowhere else to go but up and those of us who have worked in this space for a period of time are going to continue to do that work. That's what makes SARRT so incredibly awesome is that we always come back to the table because we know that the ultimate goal is to end sexual violence. Thank you"

**Commissioner Holt** thanked SARRT for all the work they have done and thanked them for being at the meeting today.

#### **6. Presentation from the Austin/Travis County Inter-agency Sexual Assault Team (ISAT)**

**Presenters – Margaret Moore, Travis County District Attorney**

**Beverly Mathews, Travis County Assistant District Attorney**

**Jessica Robledo, Chief of Police, City of Pflugerville**

**David Carter, UT Chief of Police**

**Todd Radford, Lakeway Chief of Police**

There was a total of six representatives (including Sally Hernandez from Travis County Sheriff's Office) from other law enforcement agencies attending the meeting with Margaret Moore, Travis County District Attorney. Margaret Moore shared briefly about her background prior to becoming the District Attorney and expressed she is a collaborator. Per, Ms. Moore she began reaching out to other law agencies when she was elected District Attorney. In the area of adult sexual assault we all agreed that we needed an organization that was more in alliance with a sexual assault team:

- A core group
- Collaboration for what that CORE group should look like (ISAT and SARRT are not the same thing)
- ISAT is dealing with all of the growth in our city and needed law agencies to work together and discuss things that cannot be discussed in other meetings (confidential and important matters specific to cases).

On the road to becoming ISAT, per Margaret Moore they received a grant that allowed for her office to hire a lawyer to work on intimate partner cases (Mona Shea)

A prosecuting attorney was diverted from another office to work on stranger cases and support Mona's work intimate partner cases. These two attorneys also work with the Austin Police department Sex Crimes Unit and are on call for major cases. This has been in operation for 15 months and Margaret commented that she is pleased with the progress.

Each presenter shared their reason/s for joining ISAT and they are currently satisfied with the results and the direction going forward. Sally Hernandez, Travis County Sheriff commented the sheriff's office is a part of SAART and is moving to ISAT, due to confidential information that can be discussed and shared in ISAT meetings. " I believe ISAT is interested in making the process for survivors of sexual assault better and more effective.

**Commissioner Haley** thanked all of the presenters for coming on both sides (SARRT& ISAT). He opened the floor for questions:

- **Commissioner Gonzales** asked: what is the criteria for joining ISAT?
  - o Any entity that is charged with the responsibility to take a complaint, investigate and prosecute is eligible to join. Per Margaret Moore
- **Commissioner Bernhardt** had a question on data that was provided in the handout from ISAT. Is it accurate that 7 out of 20 cases were charged as sexual assault?
  - o Yes, it is not uncommon for sexual assault allegations/charges to become associated with another charge i.e. domestic violence per Margaret Moore

There are different ways of absorbing cases and when it happens we are looking at the what, when and whys from the time charges are brought forward. There was much discussion on this question and **Commissioner Rossmo** asked for a possible future agenda item requesting data on the sexual

assault drop offs, what happens at the end of the process and conviction of sexual offenders. **Commissioner Bernhardt** expressed her concern that ISAT doesn't seem committed to the idea of transparency. **Commissioner Nunez** asked why was ISAT formed? What was behind the decision to leave the SARRT? **Margaret Moore** responded, the collaboration crumbled, a hostile environment, and my people commented they didn't feel safe there. "For me (District Attorney), it was important that we get our job done and go on"

There was continued discussion on the reason for ISAT departure from SARRT by the board. **Commissioner Webber** asked DA Moore if she could talk a little bit about what's been accomplished and what remains to be accomplished by ISAT? **DA Moore's** response was "we don't have a timeframe". We have reached out to UT School of Social Work to help us in the area of measuring victim feedback; and inviting a rep from a recent conference in DC whose main topic was teaching how to measure victim feedback. Webber, could we see the recommendations that are mentioned in your handouts? DA Moore, yes

**Commissioner Haley** announced that the resolution **Commissioner Bernhardt** was going to present had been withdrawn by her.

**Future Agenda Items:**

- Sentencing and treatment for sexual assault offenders
- Wellness Survey to be presented in August 2019 meeting

Adjourned @ 5:55pm

